

A trauma-informed
approach to talking about
child sexual abuse (and
possible National Redress
Scheme applications)
with legal services clients



**I acknowledge the traditional owners of the land
on which we meet today and pay respects to
elders past, present and emerging.**

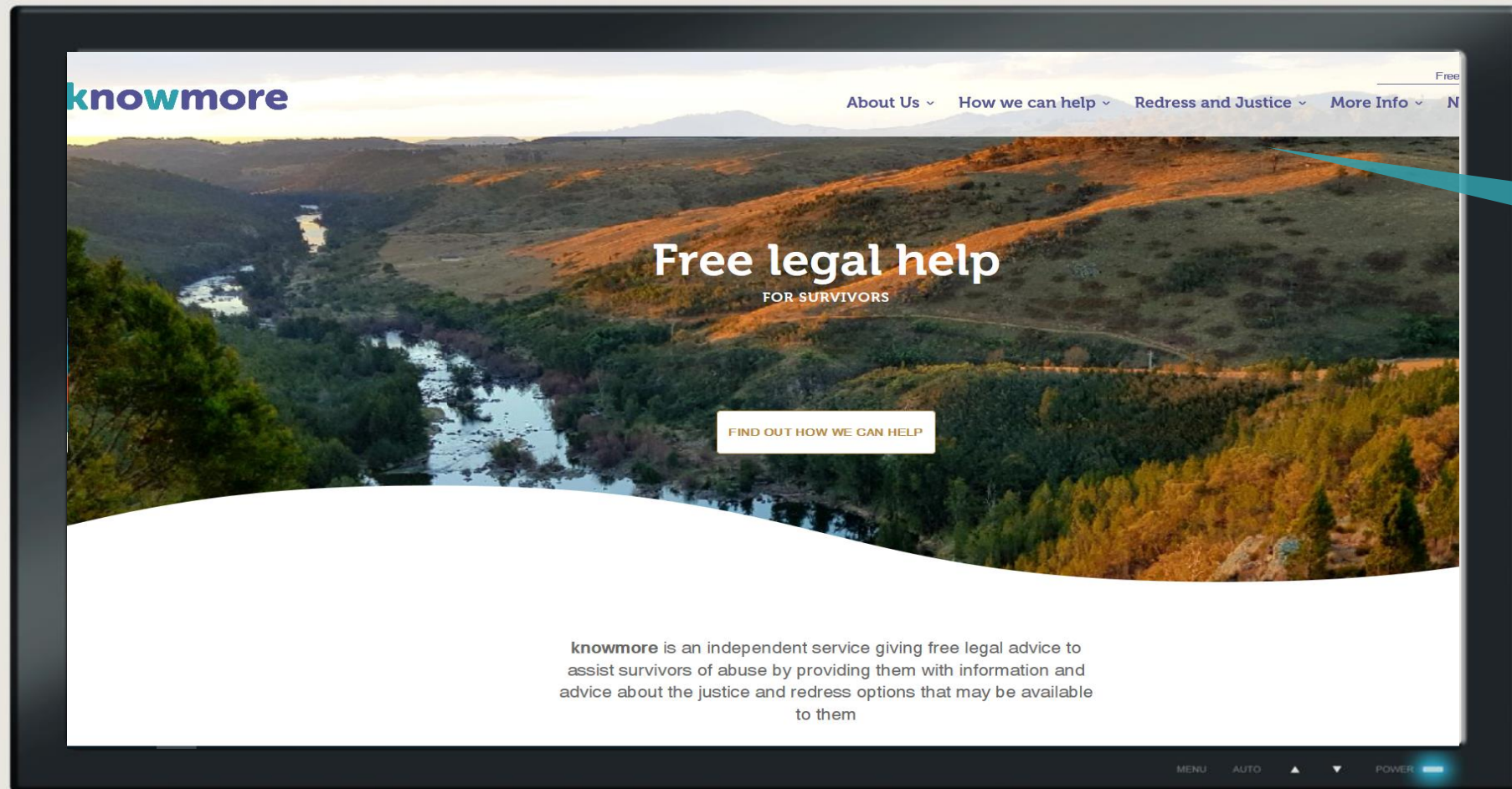
Overview

- ✓ **Who is knowmore?**
- ✓ **Some information about the National Redress Scheme and what knowmore is seeing so far**
- ✓ **A trauma-informed approach to talking about possible NRS applications with clients. How you might know someone could be eligible, how to raise the issue sensitively, and how to respond well to disclosures**
- ✓ **Conclusion/questions**

- **knowmore is a program of NACLC. We were originally funded to assist people engaging with the Royal Commission process. We were due to wind up in early 2018, but were then funded by the Australian Government to provide legal support services for people considering their redress options, including under the National Redress Scheme**
- **We are a national service with offices in Brisbane, Melbourne and Sydney and outreach throughout Australia. We will open our Perth office next month**
- **knowmore has a trauma-informed, culturally safe service delivery approach. All staff must be trained in trauma-informed practice, including vicarious trauma and burnout. We recognise <https://www.blueknot.org.au/> as the practice leader in providing trauma-informed training to staff and all knowmore staff attend their training.**
- **We have a multidisciplinary model including:**
 - **Lawyers**
 - **Intake workers**
 - **social work and counselling staff**
 - **Aboriginal and Torres Strait Islander Engagement Advisor; and also now**
 - **Financial Counsellors**

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knowmore's team

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Service delivery

Lawyers and paralegals



42

Social workers/counsellors



8

Aboriginal and Torres Strait Islander



9

Intake and client services staff



14

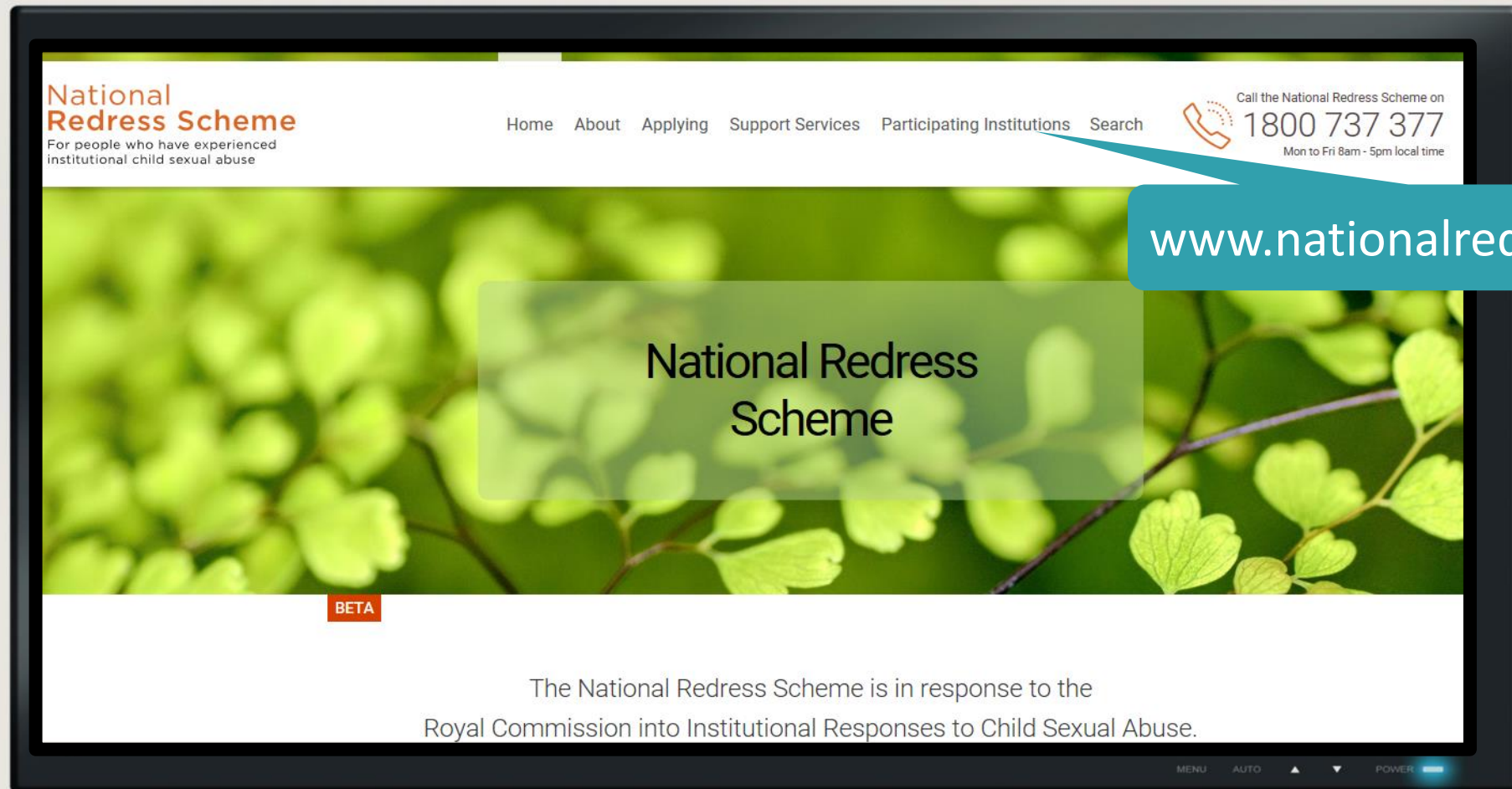
Financial Counsellors



4

National Redress Scheme

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National Redress Scheme: Who can apply?



- experienced sexual abuse (and related non- sexual abuse) at an institution when under 18
- the abuse happened before 1 July 2018
- Australian citizen or permanent resident
- no court-ordered payment received
- Institution responsible for bringing the person into contact with the abuser AND institution needs to have formally joined the scheme
- born before 30 June 2010
- not currently in prison (unless exception applies)

Situation for people sentenced to prison

If your client is in prison:

in most cases, they can only apply to the National Redress Scheme when out of jail

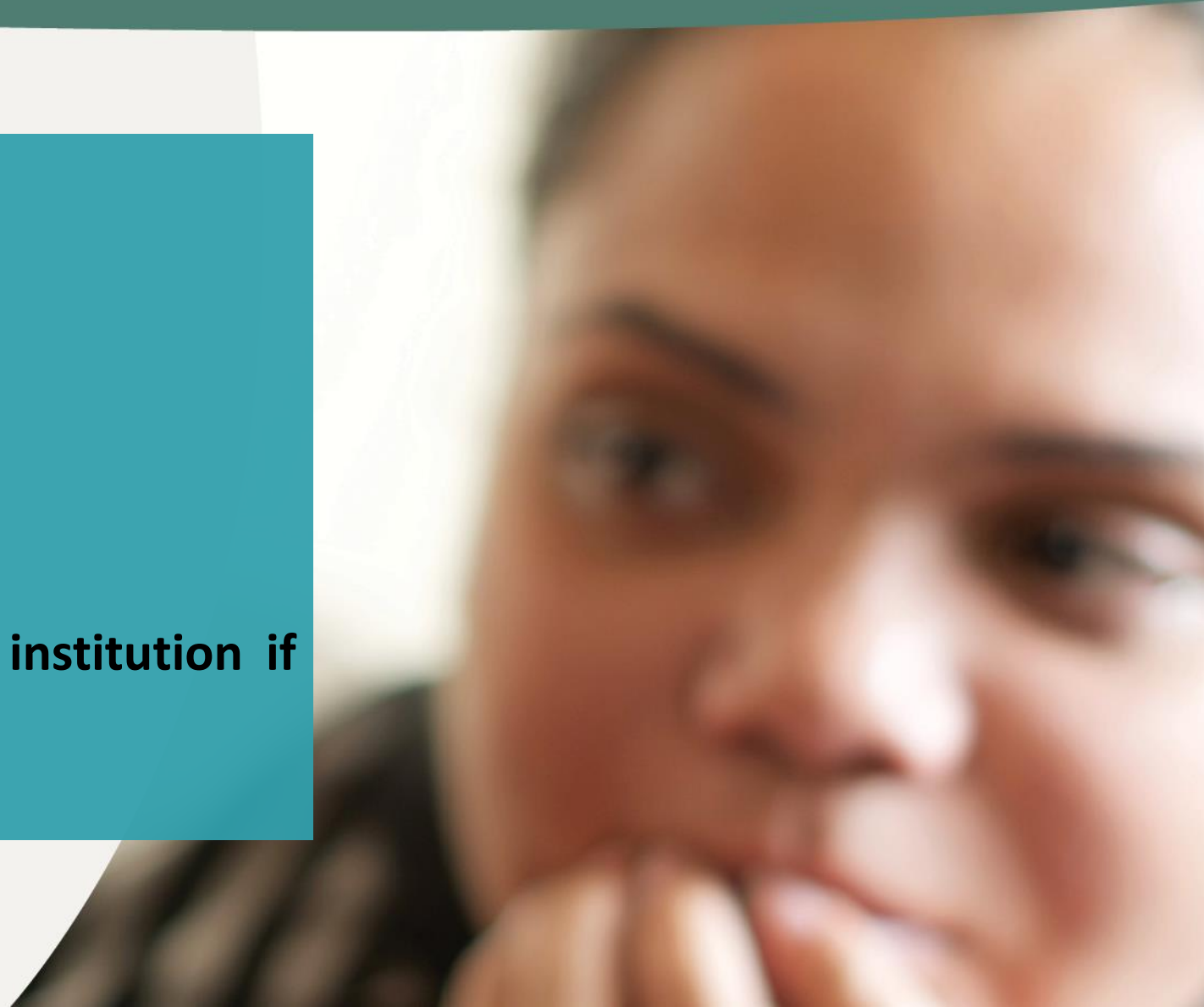
If your client has ever been sentenced to more than 5 years in prison:

their application under the National Redress Scheme may be processed differently

What does the National Redress Scheme offer?

The National Redress Scheme will offer:

- a payment up to \$150,000
- access to counselling
- a direct personal response from the institution if the person wants that



Early days of NRS: knowmore's work

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Total calls and clients



17,382

Total 1800 calls
nationally



4,322

clients (intake
completed)

59%

new clients



Law Reform



knowmore has contributed a number of submissions addressing the legislation that established the National Redress Scheme and governs its operation, including to a Joint Select Committee of the Parliament of Australia that was inquiring into the scheme's implementation.

We have also given evidence to that Committee about our clients' experiences with the NRS.

The Committee delivered its report - **Getting the National Redress Scheme right: An overdue step towards justice** in April 2019.

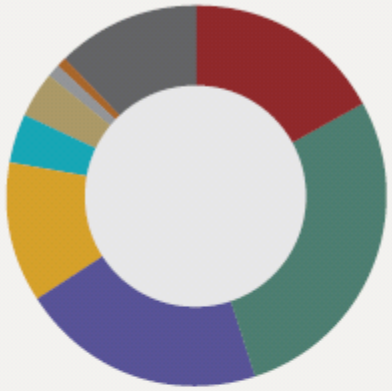
You can read our submissions here: knowmore.org.au

You can read the Committee's report here: www.aph.gov.au

Knowmore's clients

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Calls came from



NSW	19%
QLD	28%
VIC	20%
WA	13%
SA	5%
TAS	4%
ACT	1%
NT	1%
International/Other	9%

Our clients



21%

priority clients



25%

identify as Aboriginal
and/or Torres Strait
Islander



38%

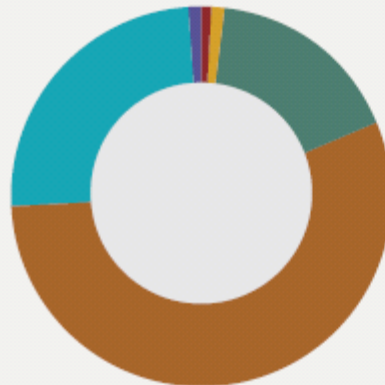
identified
as female



61%

identified
as male

Age



0-18	<1%
19-25	1%
26-45	16%
46-65	57%
66-85	25%
86+	<1%



During our five-year inquiry:

- **16,953** people contacted us who were within our Terms of Reference
- we heard from **7,981** survivors of child sexual abuse in **8,013** private sessions
- we also received **1,344** written accounts
- we have referred **2,562** matters to police.

https://www.childabuseroyalcommission.gov.au/sites/default/files/final_information_update.pdf



Institution management

58.1 per cent of survivors said that the abuse took place in an institution managed by a religious organisation, 32.5 per cent in a government-run institution and 10.5 per cent in a non-government, non-religious institution.

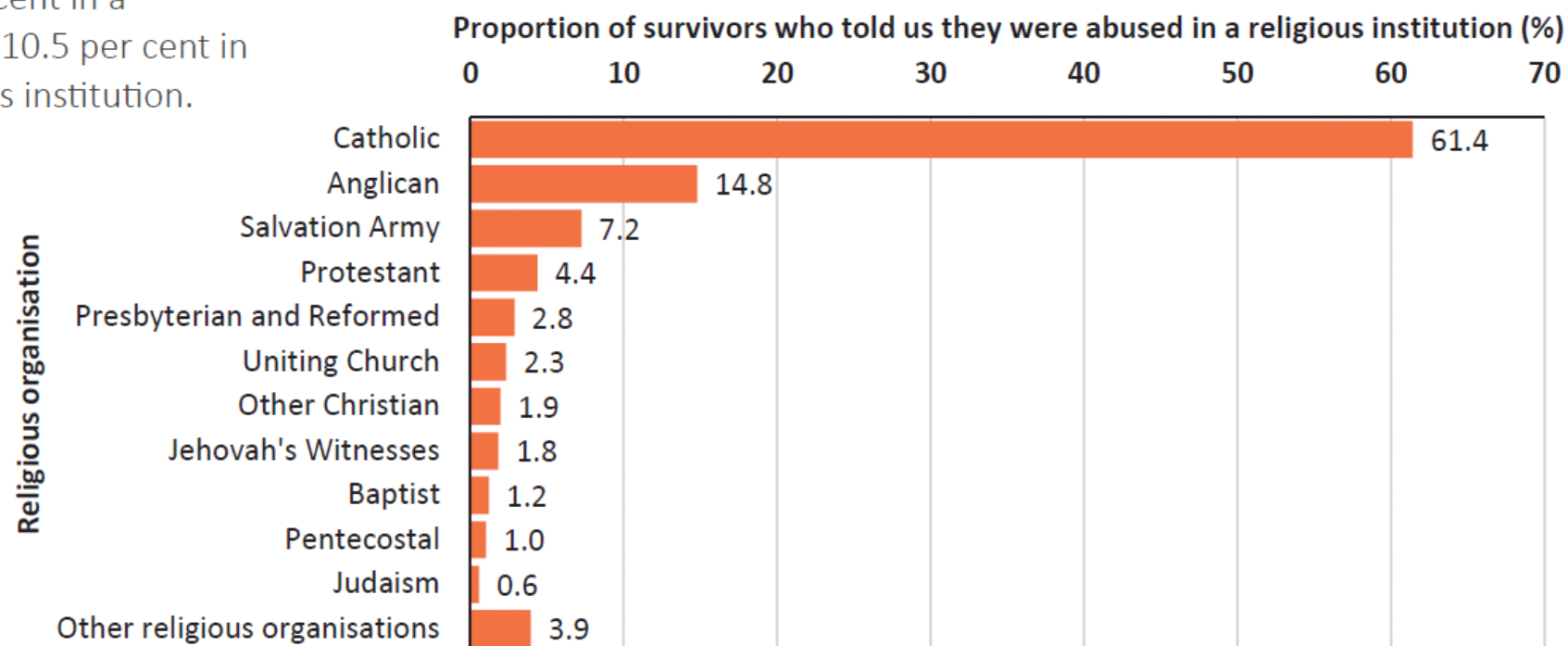




Table 1 – Number and proportion of survivors by institution type, private sessions 7 May 2013 – 24 November 2017

Institution type	Number	Proportion (%)
Out-of-home care	3,277	41.1
<i>Out-of-home care: pre-1990</i>	2,809	35.2
<i>Out-of-home care: 1990 onwards</i>	298	3.7
<i>Unknown era</i>	205	2.6
Schools	2,521	31.6
Religious activities	1,162	14.6
Youth detention	639	8.0
Recreation, sports and clubs	482	6.0
Health and allied	221	2.8
Armed forces	105	1.3
Supported accommodation	84	1.1
Family and youth support services	66	0.8
Childcare	41	0.5
Youth employment	23	0.3
Other	295	3.7
Unknown	96	1.2

Note: Some survivors told us they were abused in more than one institution type. These survivors have been counted under each institution type identified.

IDENTIFYING POTENTIAL REDRESS CLIENTS

PRESENTATION FACTORS

- **Complex trauma**
 - Easily triggered and/or difficult to de-escalate
 - Hyper-arousal (PTSD-style, hypervigilance)
 - Hypo-arousal (dissociative)
- **Associated other life impacts**
 - Homelessness
 - mental health
 - history of suicidal ideation/suicide attempts
 - alcohol and/or other drugs
 - domestic and family violence
 - Gambling
 - other violence
- **Criminal history indicators**
- **Previous Redress – Forde?**

IDENTIFYING POTENTIAL REDRESS CLIENTS CONT..

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ENGAGEMENT FACTORS

- **Over-engage/under-engage with service and or particular staff**
- **Attendance patterns**
- **Highly mistrustful of institutions and organisations**
- **Concerned about confidentiality/information**

SAFETY-TRUST-CHOICE- COLLABORATION-EMPOWERMENT

GENERAL AWARENESS-RAISING

- Are there materials you can display in reception or similar about the NRS?
- Can you have links on your webpages/social media spaces?
- What other ways can you let people know your service is aware of and happy to assist with, Redress?
- Want to let EVERYONE know, not singling anyone out

NORMALISING, RIGHTS-BASED/ENTITLEMENT LANGUAGE

- Coming from a place of informing and that people could be entitled to Redress (something they may be owed and not something they are asking for, ie reducing the shame factor)
- Talk about the
- Scheme, rather than the topic (ie child sexual abuse)
- “Have you heard about the Scheme? You might be able to apply”
- “We’ve been helping a few people lately with the Redress Scheme. Is that anything you might like to know about?”
- “You know how there was Royal Commission into Institutional Responses to Child Sexual abuse? Well they now have a Redress Scheme happening? Have you heard about that?”

TALKING ABOUT CHILD SEXUAL ABUSE IN A LEGAL SETTING

Preparation

- Do you know how to respond to someone who is triggered/distressed?
- What procedures are in place if someone is imminently at risk?
- Do you know how to ask someone if they are safe/ok?

Permission seeking

- “Is it ok if we talk about this?” – it may not be

Timing

- Try and avoid having these conversations at 4.30 on a Friday for eg
- “Is now an ok time to talk about this?” “We can make another time if you like?”
- Let the person know how long you have for them, and remind them when the appointment time is almost up

TALKING ABOUT CHILD SEXUAL ABUSE IN A LEGAL SETTING

Support

- Does the client have a support person?
- Do you have a social worker or someone to assist?
- Do you have numbers and service details handy so that you can refer the client if needs be?

Containment

- Keep the conversation about the legal options of Redress as much as possible ie “would you like to talk about whether you might be eligible for the Redress Scheme” rather than “would you like to talk about what happened to you?”
- Let the person know they don’t need to talk in detail about their abuse for you to advise/refer them

Ending

- Reminder that appointment is coming to a close
- Is the person feeling ok/safe?
- Bring conversation back to practical, here and now issues – make a plan for the work you will do together from here

Responding well to first time (or rarely talked about) disclosures

- **Be prepared – take the time to learn some basic techniques for de-escalating people who may be triggered (see Blue Knot for some great resources and training). Ensure you are familiar with crisis response practices for your organisation, in the rare event someone becomes highly distressed.**
- **Have they ever told anyone about this before? Make sure you ask as many people haven't, and your response needs to be adapted accordingly**
- **How someone responds to a first time disclosure can be life changing for a victim/survivor. You do not have to be professionally trained to do that well; most people tell a trusted friend or family member before a professional. The key word is 'trusted'. Thank them for trusting you**
- **Normalise the not telling – the Royal Commission found that it takes on average 24 years from incidence of Child Sexual Abuse to when someone tells someone for the first time.**

Responding well to first time (or rarely talked about) disclosures

- **Fear of not being believed is a major factor for why many victims haven't told – it's important that you convey a belief in what someone is telling you and are sincere in that. They will be looking for signs that their worst fears are going to be realised ie you will think they are lying**
- **Try to gently dissuade them from going into too much detail. This can be hard but is important to ensure their emotional safety during the discussion. "I believe you and I want to help. I'm also not a counsellor I'm a lawyer. You won't need to go into detail with me for me to be able to give you legal advice"**
- **Some people will however want to give you a lot of detail. Monitor their distress levels while they are talking, and don't be afraid to stop someone if you have to, if you feel they are becoming unduly hyper or hypo-aroused (use the techniques you have learned)**

Responding well to first time (or rarely talked about) disclosures



- **Be a person, not a position:** Importance of an empathic response – its more than ok to tell someone that you are sad/sorry to hear that has happened to them, and that it should never have happened, it was wrong etc.
- **Ask them if they have support.** Is there someone in their life they can talk to more about this? Would they like you to help them connect with a service that can help?
- **Do you have a social worker on your team or someone else that could assist?**
- **Thank them for sharing this with you.** Then turn the discussion back to how you can help them legally with what they have just shared.

Responding well to first time (or rarely talked about) disclosures

- **Make a plan to follow that through – don't let someone walk out of an appointment feeling embarrassed that they have disclosed something so personal (because shame and embarrassment are significant for many victims) and without an idea of what happens next. If there is a plan in place for legal work from there, then they will know what conversation they will be having next time and will be more likely to stay engaged**
- **Talk to someone after the appointment to check in on your own wellbeing. The heightened emotional state of the client combined with potentially detailed content in the disclosure will also impact you in some way. A chat with a trusted colleague or supervisor is often all that is required. But make sure you do that, rather than just 'soldiering on'. It will help keep you match fit and prevent an accumulation of impacts over time.**
- **If a client disengages after a disclosure, follow up with them and let them know you wanted to check in and see how they are going. Let them know you are still there to help them legally. Enquire about support again and help with that if you can. A warm referral can be of great assistance.**

Where to find knowmore

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Brisbane

Level 20,
144 Edward St
Brisbane QLD 4000
PO Box 2151
Brisbane QLD 4001

Melbourne

Level 15,
607 Bourke St
Melbourne VIC 3000
PO Box 504,
Collins St West
Melbourne VIC 8007

Sydney

Level 7,
26 College St
Sydney NSW 2000
PO Box 267,
Darlinghurst
Sydney NSW 1300

Perth

PO Box 7072
Cloisters Square PO
WA 6850

Contacts

knowmore legal service
(free, confidential legal advice)

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Questions?

Thank you!

